

REGULAR CITY COUNCIL MEETING  
AUGUST 8, 1988

PRESENT

Ruth Hansen  
Wesley J. Bloomfield  
Gayle Bunker  
David Church  
Don Dafoe

Mayor  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

Rex T. Harris

Council Member

OTHERS PRESENT

Dorothy Jeffery  
Richard Waddingham  
Neil Forster  
Sarah Inez Moody  
Virginia Taylor  
Bryce Ashby  
H. M. Russell  
Roland Dutson  
Peggy Overson  
Kirt Overson  
James DeWyze  
Glenn Bryner  
Martin O. Ludwig  
Neil Dutson  
Cathy Hamilton  
Phyllis Burraston  
Lloyd Burraston  
Evelyn Nelson  
James Nelson  
Debbie Moultrie  
Rick Moultrie  
Bill Morgan  
Ann Morgan  
Crisanne Black  
Joe Young  
Burnell Warner  
Pauline Warner  
Lori Cloward  
Kelly Cloward  
Steve Jackson  
LaDawna Panhorst  
Jim Mitchell  
Lloyd Gorley  
Louise Gorley

City Recorder  
City Attorney  
Public Works Director  
Chronicle/Progress  
City Clerk  
Fire Chief  
City Resident  
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Janal M. Kolis	City Resident
Mark Panhorst	City Resident
Mark Young	City Resident
Howard Hamilton	City Resident
Marti Wiser	City Resident
John Houghton	City Resident
John P. Schmidt	County Resident
Lydia Schmidt	County Resident
Leo Davis	City Resident
Don M. Ashcraft	City Resident
Lynda Ashcraft	City Resident
Lee Wahlberg	City Resident
Rawlin Dutson	County Resident
Ruth Bradfield	County Resident
Don J. Habby	City Resident
Deana Habby	City Resident
Larcy Bloomfield	City Resident
Linda C. Larsen	City Resident
John R. Larsen	City Resident
Connie Tolbert	County Resident
Dr. Thomas E. Chandler	City Resident
Dale Choules	City Resident
Craig Young	City Resident
Mike Bringham	City Resident
Stewart K. Carter	City Resident
Betty L. Carter	City Resident
Richard H. Wright	City Resident
Dave Hahn	City Resident
Anita Hahn	City Resident
C. B. Tolbert	County Resident

Mayor Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

#### MINUTES

The proposed minutes of a regular City Council meeting held July 11, 1988, were presented for consideration and approval. The Council reviewed the minutes briefly after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

There were no Accounts Payable presented.

ROBERT DROUBAY, PLANNING COMMISSION CHAIRMAN: PROPOSED ZONE CHANGE FROM CD TO R4 AND CB BETWEEN 100 NORTH TO 100 SOUTH FROM 400 WEST TO 350 EAST

In view of Robert Droubay's absence, Mayor Hansen asked Council Member Wesley Bloomfield to present a proposed zone change.

Council Member Wesley Bloomfield reported that the Planning Commission has recommended that properties located between 100 North to 100 South from 400 West to 350 East be rezoned from CD to R4 and CB. He also said that a public hearing was held to receive public comment regarding the proposed zone change, and there was no public in attendance opposing the zone change.

Following brief discussion, Council Member David Church MOVED to table the proposed zone change until the first regular City Council meeting in September to allow time for Attorney Waddingham, Attorney Peterson and Public Works Director Neil Forster to further discuss this matter and come to a determination as to whether the current Delta City Zoning Ordinance will be revised. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

GORDON HOLT, ZIONS BANK: REFINANCE INDUSTRIAL REVENUE BOND (IRB) FOR ZIONS BANK - DELTA BRANCH

Mayor Hansen said that it has been requested that a Special City Council Meeting be scheduled for Monday, August 15, 1988, at 6:00 p.m. in order to allow Attorney Waddingham time for further research on the refinancing of the Industrial Revenue Bond for Zions Bank.

Council Member David Church MOVED to table discussion of the Industrial Revenue Bond for Zions Bank until Monday, August 15, 1988, at 6:00 p.m. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

GEORGE AND MICHAEL VAN: PROPERTY VACATION REGARDING REALIGNMENT OF HIGHWAY 6

George and Michael Van were not in attendance to discuss this issue. However, Mayor Hansen explained that in 1982 a resolution was passed authorizing the Mayor to accept delivery of deeds from

Utah Department of Transportation conveying real property to the City of Delta and to execute deeds to convey real property in connection with the realignment of the intersection of U. S. Highway 50 and U. S. Highway 6 at approximately 550 East Main Street in Delta to the adjoining property owners. She further explained that there has been a possible oversight because a parcel of land in Lot 2, Block 64, Plat "A", Delta Townsite, where the Deltan Inn is presently located, is still in Delta City's name and has not been recorded with the Millard County Recorder as being conveyed to the property owners.

Mayor Hansen recommended that research be done as to the status of the above mentioned Quit Claim Deed on the property located in Lot 2, Block 64.

Council Member Gayle Bunker MOVED to Quit Claim a parcel of land from Delta City in Lot 2, Block 64, Plat "A", Delta Townsite to the rightful property owners, if it has not previously been done. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

#### JENNIFER SMITH: PROPOSED YOUTH COUNCIL

Mayor Hansen asked Jennifer Smith to address the Council regarding a proposed Youth Council.

Jennifer Smith, Delta High School Student, said that with the Council's approval she would like to organize a Youth Council. She explained that the Council would consist of several Delta High School students with a Chairperson and a Secretary as officers.

Miss Smith said that the Council would include the West Millard County area and would serve as a service organization to better the community.

Following brief discussion, Council Member Wesley Bloomfield MOVED to approve the creation of a Youth Council. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mayor Hansen commended Miss Smith on her project and appointed City Recorder Dorothy Jeffery and Council Member Wesley Bloomfield as adult leaders of the Youth Council.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: BID SPECIFICATIONS FOR  
LOADER/BACKHOE

Mayor Hansen asked Public Works Director Neil Forster to review with the Council pre-bid specifications for a Loader/Backhoe.

Public Works Director Neil Forster presented a list of bid specifications for a Loader/Backhoe to be used in the Public Works Department. The Council reviewed the list in detail. Mr. Forster said that the Loader/Backhoe has been budgeted for and asked for Council's approval to advertise for bid as listed in the bid specifications.

Council Member Don Dafoe MOVED to authorize Neil Forster to advertise for bids for a Loader/Backhoe as listed on the bid specifications presented. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

DWIGHT MOODY, CITY RESIDENT: ZONING IN RESIDENTIAL AREA

Mayor Hansen asked City Resident Dwight Moody to address the Council regarding zoning in residential areas.

Dwight Moody reported that the Cellar Club, which is located in his neighborhood in Delta, Utah, has caused a disturbance for several years, due to loud noises caused by music, vehicles and patrons. Mr. Moody indicated that the noise continues into the early morning hours.

Mr. Moody recommended that the property be rezoned so this type of business can not be allowed in a residential area. Attorney Waddingham said that the property is currently zoned Commercial and is not in violation of the Delta City Ordinances. In the event the property is rezoned, the business would be allowed to operate pursuant to the Delta City Zoning Ordinance, as a Non Conforming Use.

Attorney Waddingham then informed Mr. Moody of at least two options of which Mr. Waddingham is presently aware:

1. Mr. Moody could consider filing an Information against the owner or manager of the Cellar Club, on the grounds that it creates a public nuisance. However, in order to satisfy the element of this offense, the nuisance must affect three or more persons.

2. An ordinance on the Delta City books entitled "Existing Offensive Business and Facilities", may allow the Delta City Council to conduct an investigation of a business to determine whether or not it should be permitted to remain in existence. If

the City Council determines through such investigation that the continuation of such business would be a nuisance, the City Council may consider modifying or revoking the operator's license.

Following discussion, Council Member David Church MOVED that the City Council require an investigation by the Police Department of the Cellar Club and report at the August 22, 1988, regular City Council meeting. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: RESOLUTION REGARDING MINORITY BUSINESS ENTERPRISE PROGRAM

Mayor Hansen asked Attorney Richard Waddingham to present a proposed resolution regarding Minority Business Enterprise Program.

Attorney Waddingham presented and reviewed a proposed resolution regarding Minority Business Enterprise Program, which is required for the Airport 16/34 Rehabilitation Program. Mr. Waddingham recommended that the proposed resolution be approved subject to final approval by both Delta City and FAA representatives.

Following brief discussion, Council Member David Church MOVED to table the proposed resolution until Monday, August 15, 1988, to allow for further review. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

COUNCIL MEMBER DON DAFOE: PAST DUE BUSINESS LICENSES

Mayor Hansen asked Council Member Don Dafoe to report on the status of past due business licenses.

Council Member Dafoe reported that he and Council Member Rex Harris were to contact the businesses with past due business licenses but with Mr. Harris' recent illness that has not been done. Mr. Dafoe said that he would report further information at the next regular City Council meeting.

COUNCIL MEMBER WESLEY BLOOMFIELD: PROPOSED HAZARDOUS WASTE PROJECT

Mayor Hansen asked Council Member Wesley Bloomfield to address the Council regarding a proposed Hazardous Waste Project.

Council Member Wesley Bloomfield presented material in opposition to a proposed Hazardous Waste Incineration Facility to be located

near Lynndyl, Utah. He expressed several concerns which included the possibility of water contamination, air pollution, toxic spills along highways and/or railroad tracks, contamination of agricultural land and farm products, insurance increases, mechanical breakdowns and human error, either of which could cause a costly accident.

Council Member Wesley Bloomfield MOVED that the City Council take action and declare to State and County Officials that as a community we are not interested in a Hazardous Waste Incinerator Facility being located in our area because of adverse affects. He further MOVED that a letter be written to these officials indicating the Council's opposition to let the incinerator be located in this area with a copy of the letter being sent to the Millard County Chronicle/Progress for publication. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion.

Many comments were made and concerns expressed from those in attendance regarding the Hazardous Waste Facility. Many people expressed concern over the potential danger on the water supply. Also, many people expressed their concern regarding the type of environmental impact study to be made for the proposed site. The City Council was encouraged to voice their opposition to the Hazardous Waste Incinerator Facility being located at the proposed Lynndyl site. Council Members Gayle Bunker and David Church were opposed to issuing a statement from the City until more information was obtained.

Mayor Hansen then called for a vote on the motion. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	No
Council Member David Church	No
Council Member Don Dafoe	Yes
Council Member Rex Harris	Absent
Mayor Ruth Hansen	Yes

The motion carried.

Mayor Hansen said that a meeting has been scheduled for September 1st to discuss concerns regarding the proposed hazardous waste site with Utah State Health and Hazardous Waste Officials.

#### MAYOR RUTH HANSEN: DISCUSSION OF CONTRACTS

Mayor Hansen reviewed with the Council three different contracts. She explained that the three-year contract for animal care between Delta City and H. Nielsen, West Millard Animal Hospital, expired June 30, 1988, in which Delta City paid Dr. Nielsen \$175/Month plus the cost of animal pick up fees, euthanasia, feeding costs, etc. for animals that are not claimed.

Dr. Nielsen has recommended that Delta City continue to pay \$175 per month guaranteed plus animal control expenses that exceed \$175. Mayor Hansen reported that the average cost for Animal Control expenses over and above \$175 for the past 12 months has amounted to approximately \$120 per month.

Following discussion, Council Member David Church MOVED to renegotiate the contract between Delta City and Dr. H. Nielsen to pay a guaranteed rate of \$175 per month with no additional fee for care of animals. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mayor Hansen said that Delta City has been paying Judge Ronald Hare a retainer fee of \$50 per month plus travel expenses. She recommended that Delta City no longer pay Judge Hare a retainer but request his services on an as needed basis, based on his hourly rate.

Council Member David Church MOVED that Judge Ronald Hare no longer be paid a retainer fee of \$50 per month but continue his service on an as needed basis. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mayor Hansen briefly reviewed the Janitorial Services contract between Delta City and David Corey. No Council action was taken.

#### OTHER BUSINESS

Mayor Hansen briefly discussed the need for public restrooms in the City Park. She said that there are service organizations that are willing to donate labor to build restrooms in the Park.

Council Member David Church recommended that this item be placed on the next regular City Council meeting agenda.


Council Member Don Dafoe said that entrance into the Regional Park has some chuck holes in it and the West Millard Recreation Board has requested that the City Public Works crew fill those holes with asphalt. The Council agreed to the request.

Council Member Don Dafoe asked about the status of the proposed West Delta Annexation. Council Member Wesley Bloomfield said that he would contact Planning Commission Robert Droubay and report back to the Council.

City Recorder Dorothy Jeffery asked the Council Members to let her know if they were planning to attend the Utah League of Cities and Towns on the 14th, 15th and 16th of September.

Mayor Hansen asked if there were any further comments, questions or items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mayor Hansen declared the meeting adjourned at 9:00 p.m.

  
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RUTH HANSEN, Mayor

  
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DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: SCCM 8-15-88